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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,485	12/30/2003	Jon Arthur Roepke	9D-HL-25191	8742
7590	09/24/2010		EXAMINER	
John S. Beulick Armstrong Teasdale LLP Suite 2600 One Metropolitan Square St. Louis, MO 63102			RIGGLEMAN, JASON PAUL	
			ART UNIT	PAPER NUMBER
			1711	
			MAIL DATE	
			09/24/2010	PAPER
			DELIVERY MODE	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/748,485	ROEPKE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JASON P. RIGGLEMAN	1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 26 July 2010.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1,3-7,9-12 and 25-34 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1,3-7,9-12 and 25-34 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input checked="" type="checkbox"/> Other: <u>Foreign reference</u> .

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/26/2010 has been entered.

### ***Status of Claims***

2. Applicant's request for reconsideration, filed 7/26/2010, is acknowledged. Current pending claims are 1, 3-7, 9-12, and 25-34. Claims 2, 8, and 13-24 are cancelled. Claims 1, 4, 7, 10, and 25 are amended. Claims 27-34 are new.

### ***Response to Amendment***

3. Applicant's arguments with respect to claims 1, 3-7, 9-12, and 25-34 have been considered. The applicant's arguments are moot since a new ground of rejection is being made (necessitated by amendment).

### ***Remarks***

4. For purposes of examination, "top cover" in claim 1 is assumed to be the top cover 54 of the washing machine described in the applicant's specification, paragraph [0022], Fig. 3. This assumption was confirmed as correct in the applicant's reply filed on 3/19/2007.

### ***Specification***

5. The abstract of the disclosure is objected to because the description in paragraph [0028] is not understood. It states that the washing machine is controlled to allow the user to pre-add a

wash additive such as bleach to the reservoir at or before the starting the wash cycle. The additive is dispensed at a predetermined dispense time during the wash cycle. It is not understood how an additive can be adding during a wash cycle if it is added prior to a wash cycle. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 112***

6. Claim 31 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The original disclosure states that "an optimal dispense time can be defined for different wash additives and the method adjusted accordingly". This does not enable one of ordinary skill in the art at the time of the invention to know how different types of wash additives are recognized by the controller.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 3-7, 9-12, and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Je (Korean Publication No. KR2003055965) in view of Huttemann (UK Patent Application Publication No. GB4043158) and further in view of Olding (US Patent No. 3118297).

9. Je teaches an additive dispensing system for a washing machine 1 including a tub 5, for holding wash liquid, and a basket 6, for holding articles to be washed. The additive dispensing

system includes a top cover 30. A reservoir 40 is removably coupled to the top cover 30 and is configured to contain an additive, Fig. 2. A plurality of tabs 37 extend from the top cover 30, Fig. 4. The plurality of tabs engage a top cover 20 of the washing machine 1 to couple the reservoir cover 30 to the top cover 20. An opening 33 is present in the reservoir cover 30 and an opening is present the top cover 20, Fig. 3 which remains after assembly of the two components. An annular space is defined between the tub and basket, Fig. 1. The reservoir is emptied by a siphon tube (siphon pipe 43). The reservoir includes a removable cover coupled the top cover 20 and the conduit comprises a siphon -- siphon cap 50 and siphon pipe 43, Fig. 8. The reservoir includes an overflow port 48. The top cover includes an opening there through, with the opening in fluid communication with said reservoir for introducing the additive into said reservoir. The siphon tube empties through the pass station 65 and through a through-hole 68 to be dropped into the intervening space of the washing tub and water tank (English Machine translation of Je (Korean Publication No. KR2003055965). The water supply mouths (49, 49)' supply the water to the reservoir (and hence diluted additive to the basket) at a predetermined time, pgs. 3-4, of KIPO machine translation of KR2003055965. The cover is removably coupled by snap-fit engagement to an upper said of the top cover, Figs. 4 & 9.

10. Je does not teach a controller configured to control a water valve and that the valve dispenses during a selected wash of a plurality of wash cycles; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle*, 188 USPQ 7). Je teaches that the water is added at a predetermined time set up by the user. The supplying of the water to the dispenser causes the diluted additive to be added to the basket. When water is provided, when combined the siphoning phenomenon would occur to flush the chamber. It would be obvious (if not

inherent) to utilize valves to control the water flow and a controller to control the timing of the operation of the valves to correspond to multiple wash cycles. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je to create a washing machine with a programmed control of additive dispensing to achieve the expected result. Note: support for the pervasiveness and obvious of the use of programmable controllers is provided by Tessarolo (UK Patent Application GB2001454) which teaches a controller which operates electrical valves (Line 124) . Further, Huttemann (UK Patent Application Publication No. GB4043158) teaches a washing machine controller in which the valve is controlled to open/shut at predetermined times to supply water to a detergent box (see entire document). The water is necessarily provided, when combined with Je, such that the siphoning phenomenon would occur to flush the chamber.

**11.** Je, as modified above, does not teach a conduit extending into the annular space defined between the tub and basket (such that the diluted additive is not directly added to the articles within the basket); however, Olding teaches a conduit 86 which extends into the annular space between a basket and tub, Fig. 3. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je, as modified above, with Olding, to create a washing machine dispenser which injects diluted agent at a specific location in the space between the tub and basket to achieve the expected result.

**12.** Je, as modified above, as modified by Olding, does not teach a siphon *fitting* coupled to the removable (reservoir) cover; however, it has been held that an making elements integral would have been obvious (*In re Wolfe* 116 USPQ 443). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je, as modified above as modified

by Olding, to make the siphon caps integral with the removable cover to achieve the expected result of stably positioning of the siphon caps on top of the siphon pipes.

13. Hayde et al. (EP Patent Application No. EP0252817A1) teaches an washing machine having a means in which in a first scenario the wash cycle length is automatically controlled. In a second scenario the user intervenes and adjusts the cycle length which is communicated to the controller.

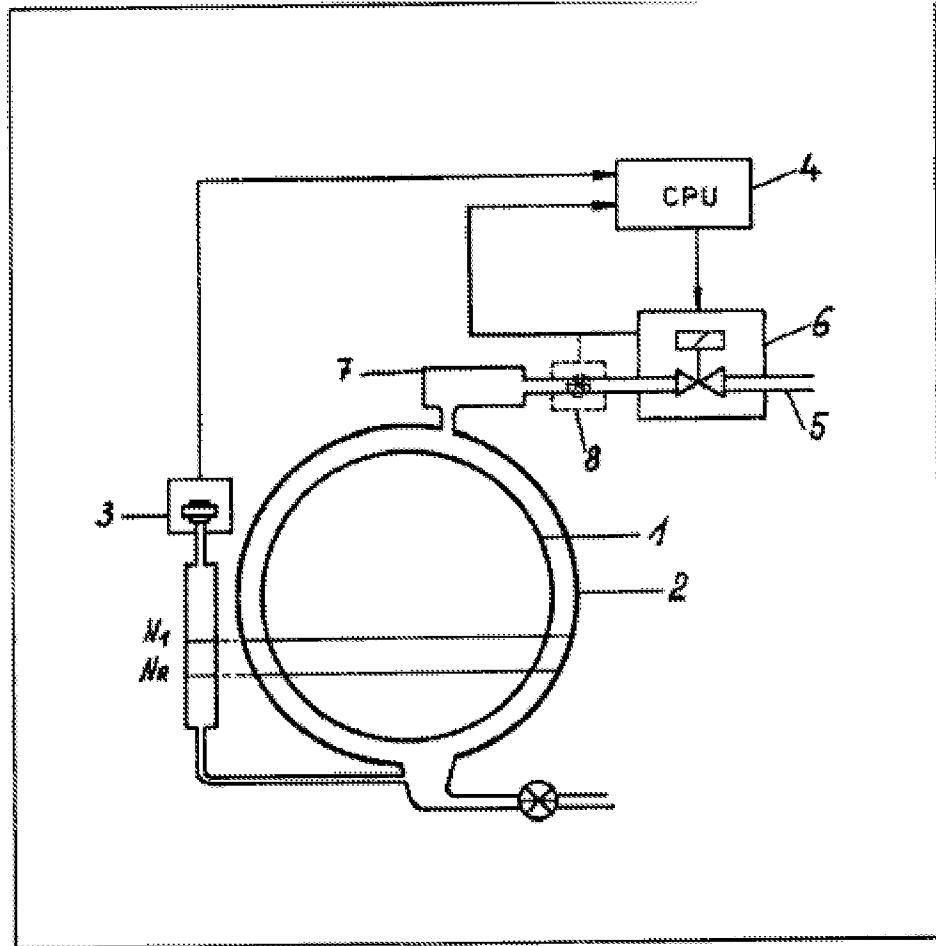
14. Claims 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Je (Korean Publication No. KR2003055965) in view of Huttemann (UK Patent Application Publication No. GB4043158) and further in view of Olding (US Patent No. 3118297) and further in view of Bochan (US Patent No. 3727434) in view of Heyde et al. (EP Patent Application No. EP0252817A1).

15. Je teaches an additive dispensing system for a washing machine 1 including a tub 5, for holding wash liquid, and a basket 6, for holding articles to be washed. The additive dispensing system includes a top cover 30. A reservoir 40 is removably coupled to the top cover 30 and is configured to contain an additive, Fig. 2. A plurality of tabs 37 extend from the top cover 30, Fig. 4. The plurality of tabs engage a top cover 20 of the washing machine 1 to couple the reservoir cover 30 to the top cover 20. An opening 33 is present in the reservoir cover 30 and an opening is present the top cover 20, Fig. 3 which remains after assembly of the two components. An annular space is defined between the tub and basket, Fig. 1. The reservoir is emptied by a siphon tube (siphon pipe 43). The reservoir includes a removable cover coupled the top cover 20 and the conduit comprises a siphon -- siphon cap 50 and siphon pipe 43, Fig. 8. The reservoir includes an overflow port 48. The top cover includes an opening there through, with the opening

in fluid communication with said reservoir for introducing the additive into said reservoir. The siphon tube empties through the pass station 65 and through a through-hole 68 to be dropped into the intervening space of the washing tub and water tank (English Machine translation of Je (Korean Publication No. KR2003055965). The water supply mouths (49, 49)' supply the water to the reservoir (and hence diluted additive to the basket) at a predetermined time, pgs. 3-4, of KIPO machine translation of KR2003055965. *The cover is removably coupled by snap-fit engagement to an upper said of the top cover, Figs. 4 & 9.*

16. Je does not teach a controller configured to control a water valve and that the valve dispenses during a selected wash of a plurality of wash cycles; however, it has been held that an obvious choice in design is not patentable (*In re Kuhle*, 188 USPQ 7). Je teaches that the water is added at a predetermined time set up by the user. The supplying of the water to the dispenser causes the diluted additive to be added to the basket. When water is provided, when combined the siphoning phenomenon would occur to flush the chamber. It would be obvious (if not inherent) to utilize valves to control the water flow and a controller to control the timing of the operation of the valves to correspond to multiple wash cycles. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je to create a washing machine with a programmed control of additive dispensing to achieve the expected result. Note: support for the pervasiveness and obvious of the use of programmable controllers is provided by Tessarolo (UK Patent Application GB2001454) which teaches a controller which operates electrical valves (Line 124) . Further, Huttemann (UK Patent Application Publication No. GB4043158) teaches a washing machine controller in which the valve is controlled to open/shut at predetermined times to supply water to a detergent box (see entire document). The water is

necessarily provided, when combined with Je, such that the siphoning phenomenon would occur to flush the chamber.



17. Je, as modified above, does not teach a conduit extending into the annular space defined between the tub and basket (such that the diluted additive is not directly added to the articles within the basket); however, Olding teaches a conduit 86 which extends into the annular space between a basket and tub, Fig. 3. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je, as modified above, with Olding, to create a washing machine dispenser which injects diluted agent at a specific location in the space between the tub and basket to achieve the expected result.

18. Je, as modified above, as modified by Olding, does not teach a siphon *fitting* coupled to the removable (reservoir) cover; however, it has been held that an making elements integral would have been obvious (*In re Wolfe* 116 USPQ 443). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je, as modified above as modified by Olding, to make the siphon caps integral with the removable cover to achieve the expected result of stably positioning of the siphon caps on top of the siphon pipes.

19. Je as modified by Huttemann as modified by Olding does not teach the controller calculation of a dispense time, monitoring a elapsed wash cycle time, comparing the elapsed wash cycle time with a calculated dispense time and dispensing the additive when the calculated dispense time; however, Bochan teaches the addition of various wash additives doing the wash cycle (Column 5, Lines 60-65). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je as modified by Huttemann as modified by Olding with Bochan to have a system in which the additive delivery is controlled to a higher extent to achieve the expected result. Note: it should be understood that the claims read on a conventional dispenser which dispenses a detergent at a beginning of a wash cycle. The additive that is added during the wash cycle appears to be directed towards a fabric softener; bleach; or stain remover type composition. The device of Bochan appears to flush the dispenser regardless of an additive being present. The dispense time is proportional to the total wash cycle since the bleach is always intermediate the cycle.

20. Je as modified by Huttemann as modified by Olding with Bochan does not teach the wash cycle time being adjusted; however, Heyde et al. teaches an washing machine having a means in which in a first scenario the wash cycle length is automatically controlled. In a second

scenario the user intervenes and adjusts the cycle length which is communicated to the controller. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Je as modified by Huttemann as modified by Olding with Bochan with Heyde et al. to create a system which is response to a user input to change the washing cycle length – and subsequently the dispense time is automatically adjusted by the controller to be input as taught by Bochan.

***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JASON P. RIGGLEMAN whose telephone number is (571)272-5935. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on 571-272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/

Jason P Riggleman

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Supervisory Patent Examiner, Art Unit 1711

Examiner  
Art Unit 1711

/J. P. R./  
Examiner, Art Unit 1711